



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Aupperle et al.**

Serial No.: **09/938,966**

Filed: **August 24, 2001**

**For: Apparatus and Method for
Determining Compatibility of Web
Sites with Designated Requirements
Based on Functional Characteristics of
the Web Sites**

§ Group Art Unit: **2123**
§
§ Examiner: **Stevens, Thomas H.**
§
§ Attorney Docket No.: **RSW920010130US1**
§

Certificate of Mailing Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being deposited with the United States Postal Services as First Class mail in an envelope, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 19, 2005.

By: *Dell Whitton*
Dell Whitton

NOTICE OF APPEAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final office action dated August 5, 2005 finally rejecting claims 1-42.

A fee of \$500.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0461. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,

Theodore D. Fay III
Theodore D. Fay III
Reg. No. 48,504
Duke W. Yee
Reg. No. 34,285
YEE & ASSOCIATES, P.C.
P.O. Box 802333
Dallas, Texas 75380
(972) 385-8777
ATTORNEYS FOR APPLICANTS

10/26/2005 RNEBRAHT 00000045 090461 09938966
01 FC:1401 500.00 DA